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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	79148266
Applicant	Exness Holdings Cy Limited
Applied for Mark	EXNESS
Correspondence Address	SEAN K OWENS WOOD HERRON & EVANS LLP 2700 CAREW TWR441 VINE ST CINCINNATI, OH 45202 UNITED STATES sowens@whe-law.com
Submission	Applicants Request for Remand and Amendment
Attachments	Request for Remand to Examining Attorney.pdf(116296 bytes)
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Date	12/07/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application, Serial No. 79148266

Exness Holdings CY Limited,

Applicant.

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For the mark: EXNESS

REQUEST FOR REMAND TO EXAMINING ATTORNEY

Applicant respectfully requests that this Appeal be remanded to the Examining Attorney.

Applicant further requests that the Examining Attorney amend the description of services in the pending application to the following:

Class 36: Financial affairs, namely the provision of financial services, namely the trading of financial instruments, securities, shares, options and other derivatives products; organising foreign exchange trading, brokerage services, namely, business brokerages services, commodity brokerage services, financial investment brokerage services and foreign exchange brokerage services, provision of advice in relation to financial investment, namely, the purchasing and sale of financial assets, namely, asset and investment acquisition, consultancy, advisory services and development, banking services, stockbroking services, asset management services, trading account services, namely, commodity trading for others, currency trading, foreign exchange currency trading, electronic financial trading services, tracking management in relation to financial evaluation, tracking and management of funds, fund management and investment services, hedge fund management and investment services, off-shore fund management, private client fund management; monetary services, namely, investment management services, financial asset management services, unit trust management services, management of mutual funds, investment funds and collective investment schemes, actuarial services, business brokerage and valuation services, arranging the sale of annuities; investment of funds and collective investment schemes, arranging the sale of annuities, namely, annuity underwriting, investment management of and distribution of annuities, issuance of administration of annuities, insurance services, namely, insurance agency services.

A request for remand will be granted upon a showing of good cause. TBMP § 1205.01. "Good cause will generally be found when the amendment is an attempt to comply with a requirement, such as

an amendment to the identification of goods or services in response to a requirement for an acceptable identification....” *Id.*

The sole refusal raised in the pending application is that Applicant’s description of services is unacceptable as currently entered. Applicant previously made certain amendments, and argued in its Request for Reconsideration that those initial amendments were acceptable. Since Applicant’s Request for Reconsideration was denied, Applicant has worked diligently to prepare an acceptable draft amendment to its description of services, which is detailed above. Applicant has informally presented this revised description to the Examining Attorney via email. The Examining Attorney is currently reviewing the proposed amendment and will enter it via Examiner’s Amendment assuming it is deemed acceptable. The proposed amendment is identical to an amendment previously entered by another Examining Attorney in a sister application, Serial No. 79/149,518, which the Board just remanded under similar circumstances. Accordingly, Applicant anticipates that this amendment will be acceptable. The Examining Attorney has further stated that he consents to this request to remand.

Accordingly, Applicant has shown good cause why this Request should be granted. Remand and entrance of the amended description of services will resolve all outstanding issues, and will allow the application to proceed to publication. It will also obviate the need for an Appeal Brief or further attention from the Board. Finally, this Request is timely, is being made early in the ex parte appeal process, and is being filed prior to Applicant’s Appeal Brief deadline.

For the above reasons, Applicant respectfully asserts that its Request for Remand to the Examining Attorney should be granted and that the amended description of services should be entered. Applicant thanks the Board and the Examining Attorney for their time and assistance.